

CQ CONGRESSIONAL TRANSCRIPTS
Congressional Hearings
March 31, 2009

House Homeland Security Subcommittee on Emergency Communications, Preparedness and Response Holds Hearing on Examining Preparedness and Coordination Efforts of First Responders Along the Southwest Border

LIST OF PANEL MEMBERS AND WITNESSES

CUELLAR:

The Subcommittee of Emergency Communications and Preparedness and Response will come to order. The subcommittee meeting today is to receive testimony regarding examining preparedness and coordination efforts of first responders along the Southwest border.

Mr. Rogers? We'll be -- as you know, there's another meeting right now. There's a caucus meeting on Afghanistan and Pakistan. So we'll get some of the other members to come and join us after a while, but we will go ahead and get started for the -- for the -- you know, for the witnesses so they can go ahead and go on with their day.

But on behalf of the members of the subcommittee and the chairman also, I mean, the ranking member, let me welcome the witnesses from the Office on Policy of Immigration and Customs Enforcement, ICE; the Department of Homeland Security; the National Guard Bureau, and the sheriffs from my home state of Texas and Arizona.

Today's hearing entitled, "Examining Preparedness and Coordination Efforts of First Responders along the Southwest Border" is designed to assess the unique challenges that the federal, state, local, and tribal first responders face in border communities in light of the escalation of the drug cartel-related violence along the U.S.- Mexico border.

Specifically, this hearing is an opportunity to discuss the emergency preparedness and response needs specific to the Southwest border states including cross-border communications and information sharing capabilities and multi-jurisdiction partnerships.

Additionally, this hearing is an opportunity to examine the coordination and planning

among international, federal, state, local, and tribal governments to prevent drug cartels-related crimes from spreading into the U.S.

By now, we have all heard the media reports that describe the heinous and brutals -- brutal violence of the drug cartels in Mexico, who have been competing for the control of trafficking routes into the United States. In the past few years, we have learned of the assassinations of high-level government and law enforcement officials, horrific murders including beheadings, violent kidnappings, use of a growing and varied arsenal of high-power weapons, and the indiscriminate killing of civilians.

What is more disturbing is that in 2008, more than 5,600 people in Mexico were killed in drug trafficking violence, a 110 percent increase over 2007. Of that number, 550 of the killed were law enforcement officials.

Although we have been baffled by the battles of the -- of the Mexican drug cartel, there is a ever-growing concern of a spillover into the United States. As a member whose district includes the border city of Laredo, Texas, I can tell you that just last year, the city of Nuevo Laredo, which is just -- lies just across my district was gripped in terror at the hands of the cartels.

Again, you know, working with the local sheriffs, worked with the state law enforcement, the Texas National Guard, the federal agencies, and of course, we have Janice Ayala and some of the folks that worked very hard to establish the BEST organization.

DHS, as you know, got first started on Laredo BEST then from there it spread over to the concept across the -- the nation. The Laredo does focus on the disruption of cross-border criminal activity related to narcotics smuggling, money laundering, human and weapons smuggling, transnational gangs and cross-border violence.

As a result of this collaboration and coordination, the Laredo BEST helped stem the encroaching violence and protect our community. Unfortunately, the Mexican drug cartels moved their aggressiveness to our other border communities that could provide them with access routes to the United States.

First responders from border communities tell me that the demand for drugs from this country, coupled with the illegal weapons going into Mexico, fuels the strength of the drug cartels in Mexico. But I remain convinced that a collective commitment to combat the efforts of those cartels will prevail.

This is why we must support our first responders, who are the nation's first line of defense. Thus coordinating policies and procedures at all levels of government to address

border security and emergency preparedness as complementary (inaudible) may expedite emergency response while improving homeland security on both sides of the border.

That is why I've issued my support for the Merida Initiative and the president's major Southwest Security Initiative that was announced last week. Our first responders need and deserve additional personnel, increased intelligence capacity, better coordination and the strategic redeployment of the 360 additional officers and agents at the border and in Mexico City.

But I must also state that the only way we can address against -- address against the greed and the violence of drug cartels is by working together as a team. I am disturbed by the reports of turf battle among federal agencies that now seek to threaten the success of the first responders at the state, local, and tribal communities.

As the great Henry Ford stated, "Coming together is the beginning. Keeping together is progress. Working together is success." As the chairman of this subcommittee, I will use my authority to conduct aggressive oversight that we can stamp out this unnecessary turf battles. Simply put, we cannot fight the turf battles of Mexican drug cartels if we're distracted by the turf battles of our own agencies.

First responders must put their lives -- put their lives on the line everyday. So to them I say, one team, one fight.

With that, I'll look forward to hearing from Dr. Richard Barth, the acting assistant secretary from the Office of Policy of DHS. Dr. Barth will tell us how DHS is coordinating with other federal agencies -- state, local, tribal communities -- to increase the security of our homeland.

Ms. Janice Ayala, the deputy assistant director of the Immigration and Customs Enforcement, ICE, will discuss the success of the BEST program and the other efforts of ICE toward a collective effort with its multi-jurisdictional partners.

Major General Peter Aylward, who serves as the director of the Joint Staff at the National Guard Bureau will discuss the support of the Guard at the Southwest border to carry out border security initiatives.

First witnesses -- or the first responders -- should I say, our final witnesses are our first responders, Sheriff Sigi Gonzalez of Zapata County and Sheriff Larry Dever of Cochise County in Arizona who will give the committee their perspectives of the first responders community along the Southwest border.

And I want to -- certainly want to thank all the witnesses, the sheriffs, the National

Guard, ICE and, of course, DHS for being here with us.

I look forward to a robust discussion and the exchange of specific recommendations on these most-pressing issues, and that's one thing that as you all do your five-minute presentations and answer some of the questions, one of the things that we'll be asking is for just -- for suggestions on how we can go ahead and coordinate.

We just finished a classified briefing just, I guess, about an hour ago with all the federal agencies, and one of the, you know -- and they're doing a great job, but one of the big questions we had is, how do we coordinate first among ourselves the federal agencies, and then how do we coordinate with the state, and how do we -- states -- the four states that we have in the Southwest area, and then how do we coordinate with the -- all the sheriffs' departments that we have on the border, all the police departments that we have on the border?

And it's a very simple concept, but it's an extremely difficult concept to implement.

But at this time, the chair now recognize -- recognizes the ranking member of the Subcommittee on Emergency Communications, the gentleman from Alabama, Mr. Rogers, for an opening statement.

ROGERS:

Thank you, Mr. Chairman, and I too want to join the chairman thanking each and every one of you for taking the time out of your busy schedules to be here. It really does help us as policymakers to -- to make better policy to have the information and the expertise that you are able to share with us.

As the chairman said, today's hearing is to look at emergency preparedness from among first responders along the Southwest borders with their unique challenges. As we all know, drug-related violence along the Southwest border is certainly not a new phenomenon, but the intense drug war now taking place among the cartels in Mexico demands a higher level of awareness and preparedness among federal, state, and local law enforcement agencies along the border and throughout the United States.

If drug violence continues to spill over into the U.S. as we've seen with murders, home invasions and kidnappings in cities like Tucson, Phoenix, Atlanta, and Birmingham, the consequences could be devastating to our communities.

We need to make sure that our first responders have the tools they need to deal with these issues. We also need to make sure they receive adequate support from the federal

government, not just in words, but in action.

During the last Congress, the Committee on Homeland Security did not pass a single piece of border security legislation, although over 40 bills dealing with border security were referred out of this committee -- or referred to this committee. It is important to look at what more Congress can do to ensure that agencies charged with the important mission have enough resources and authority to gain control of the border and combat rising threats.

Last week Secretary Napolitano announced the Department of Homeland Security's new strategy to combat drug violence and crack down on Mexican cartels. While it is an important first step, there are a million unanswered questions. For example, when the secretary testified before our committee in February, I talked with her about the need to increase the number of ICE agents.

Unfortunately, under the new Southwest Border Strategy, the Department is not planning to hire new ICE personnel in order to deal with the rising drug violence. Instead, the Department wants to realign funds from quote, "less urgent activities," close quote. It has not been made clear which offices or programs will be affected, and I'm concerned that the administration's approach will pull agents and officers away from other important assignments.

I look forward to hearing today from Rich Barth and Janice Ayala. I hope I pronounced that right. The drug department's -- or the Department's efforts to partner with state and local enforcement along the border to achieve common goals and how these relationships can be improved.

I also look forward to testimony by Major General Aylward on the National Guard's counterdrug operations throughout the state, and finally, I want to hear from Sheriff Gonzalez and Sheriff Dever on the threats and challenges you face and how the federal government can be a stronger partner in combating the escalating drug violence along our border.

And with that, I yield back, Mr. Chairman.

CUELLAR:

Thank you, Mr. Rogers. And again, to all members of the subcommittee is a reminder that under the committee rules, opening statements may be submitted for the record.

At this time, I would welcome the panel of witnesses, and our first witness will be Dr.

Richard Barth, who is the acting assistant secretary for the Office of Policy at the Department of Homeland Security.

So, Mr. Barth?

BARTH:

Thank you, Chairman Cuellar and Ranking Member Rogers and members of the committee.

On behalf of the Obama administration and Department of Homeland Security, Secretary Napolitano, thank you for the opportunity to testify before you about the preparedness and coordination efforts with first responders along the Southwest border.

As you all know, the Department of Homeland Security and the Obama administration are greatly concerned about the increased level of cartel-related violence in Mexico and its impact on communities on both sides of the border. That's why the U.S.-Mexico relationship is getting sustained, high-level, and comprehensive attention.

Our department has undertaken a proactive response on both sides of the border to fully support the Mexican government's campaign against the violent cartels and reduce the flow of contraband across the border in both directions. State, local, and tribal first responders along the Southwest border have significant roles to play both in dealing with the current violence and preparing for scenarios where violence in Mexico could directly impact the United States in the future.

First responders have dealt with border crime and related issues for their entire careers. The successful mitigation of a complex and multi-faceted threat like border violence means that DHS and other federal agencies must constantly collaborate and coordinate with our state, local and tribal allies in an effort to share resources and information.

The Department's Office for State and Local Law Enforcement led by Assistant Secretary Ted Sexton coordinates DHS policies with more than 730,000 first responders across the nation. Assistant Secretary Sexton has been directed by Secretary Napolitano to ensure that the state, local and tribal enforcement officials have a seat at the table when it comes to the development and implementation of programs and policies like those currently impacting the Southwest border.

The capabilities of state, local and tribal first responders to deal with cartel-related violence are substantial, and DHS works collaboratively with both state and local governments in a number of ways. The Department created the Border Enforcement

Security Task Forces. We call them "BEST teams," which are led by ICE.

The 12 BESTs that currently exist, of which eight are located on the Southwest border, include the participation of DHS and other federal, state, local and tribal law enforcement agencies. These law enforcement participants play a critical role in the BEST model by providing boots-on-the-ground intelligence and operational knowledge on a daily basis.

In terms of grant funding, last week Secretary Napolitano announced that DHS would change the grant guidance for our remaining balances in the Operation Stonegarden Grant Pool. We modified the program to focus up to 59 million still available in Operation Stonegarden funding to enhance the operational readiness and asset capabilities of law enforcement along the Southwest border.

We'll also expand the use of Stonegarden funds to pay for additional law enforcement personnel overtime. Travel and other related expenses for deployment of state, local, and tribal officials to the border.

DHS is participating in numerous initiatives that'll increase the capability of first responders to communicate effectively both along the Southwest border and with their counterparts across the border in Mexico.

The DHS Office of Emergency Communications is in the process of developing the congressionally mandated Border Interoperability Demonstration Projects, which seek to improve interoperable communications in no fewer than six border communities.

DHS is working tirelessly to create open lines of communication and information sharing along the Southwest border. DHS assistant secretary for state, local and law enforcement, Ted Sexton, recently traveled from Brownsville, Texas to San Diego, California over 11 days to meet with Southwest border first responders and discuss their concerns about border violence and related DHS programs and policies.

During the course of this trip, Assistant Secretary Sexton met with over two dozen border police chiefs and sheriffs, all of which indicated they are willing to fully cooperate and collaborate to respond to ongoing border violence and crime.

The secretary's office is also coordinating regular conference calls with Southwest border law enforcement officials including members of the Southwest Border Sheriff's Coalition and representatives of DHS components including ICE.

These conference calls create a two-way flow of border-related intelligence by providing state, local and tribal officials with the opportunity to discuss critical Southwest border issues and receive briefings from department components on relative -- relevant

programs and policies.

Finally, I'd close with a few brief words on the highly successful El Paso Intelligence Center referred to as EPIC. EPIC is a fully coordinated tactical intelligence center supported by databases and resources from member agencies, which include Homeland Security, the El Paso Sheriff's Office, the Texas Department of Homeland Security, the ICE and other components of DHS.

The state and local first responders embedded within EPIC make tremendous contributions to the many intelligence-led operational initiatives that EPIC facilitates along the Southwest border. In closing, DHS is fully engaged and focused on ensuring that the local, state, and tribal first responders have the necessary resources to respond to crime and violence.

Clearly, no single entity can defeat this threat alone. As spillover violence from Mexico ultimately occurs, state, local and tribal first responders will be our first line of defense.

I thank you for your continued support of DHS programs and policies, and I'd be happy to answer your questions after the opening presentations.

CUELLAR:

(OFF-MIKE)

(UNKNOWN)

Mic -- yes, mic -- mic.

CUELLAR:

Without objection, the witnesses full statement will be inserted into the record. And, of course, each of you all are summarizing your statements. I want to thank Dr. Barth.

At this time, our second witness is Ms. Janice Ayala, deputy assistant director of the Office of Investigations at United States Immigration and Customs Enforcement at the Department of Homeland Security.

Welcome, Ms. Ayala.

AYALA:

Thank you. Good morning, Chairman Cuellar, Ranking Member Rogers and distinguished members of the subcommittee.

On behalf of Secretary Napolitano and Acting Assistant Secretary Torres, I'd like to thank you for the opportunity to discuss ICE's longstanding relationship with their law enforcement partners and our collective response to cross-border crimes.

Recognizing that partnerships are essential, ICE works closely across agency and international boundaries to provide effective cross- border communications, information sharing and emergency preparedness.

ICE augments first responder assets on the Southwest border by deploying the largest force the Department of Homeland Security investigators. To ensure we are prepared to support first responders, ICE established a national incident response unit, which ensures ICE law enforcement programs coordinate their response during civil emergencies.

Last week, Secretary Napolitano announced several Southwest border initiatives aimed at cracking down on Mexican drug cartels. The administration's plan starts with additional personnel, increased intelligence capability and increased coordination with state, local, and Mexican law enforcement authorities.

Specifically, ICE will double assignments to the Border Enforcement Security Task forces known as BEST, and increase its Mexico attache personnel by 50 percent. Moreover, ICE will quadruple the number of designated border liaison officers and continue Operation Armas Cruzadas aimed at thwarting the export of arms from the Mexico into United States.

BEST task forces are the DHS platforms that provide the most direct support to state and local first responders. In July of 2005, in response to increased violence in Nuevo Laredo, Mexico and Laredo, Texas area, ICE, CBP, Mexican, federal and other law enforcement entities created an international multi-agency initiative dubbed Operation BlackJack. This successful concept was later formalized to create the BEST.

I'd like to share with you an example of a recent support to law enforcement by BEST. On February 6, 2009, two Department of Public Safety officers stopped a vehicle for a traffic violation near Laredo, Texas. While one of the troopers approached the vehicle, the driver accelerated in reverse and attempted to run him over.

A high-speed chase ensued and ended in the Rio Grande River where the driver waded

across the border to Mexico. Texas DPS requested the assistance of Laredo BEST in locating the driver, whose vehicle contained nearly 900 pounds of marijuana. The BEST coordinated with Mexican officials to locate the driver, and within hours, the driver, a U. S. citizen, was detained by Mexican officials and turned over to Laredo BEST and to Texas DPS officers.

Through BEST, we have dismantled arms trafficking, human trafficking, bulk cash smuggling, arms and narcotics smuggling organizations and their hostage taking and murder and kidnapping cells in the United States and Mexico.

Since July of 2005, BESTs have been responsible for over 2,034 criminal arrests, and in addition, they seized over 169,000 pounds of narcotics, 515 weapons, 341,000 rounds of ammunition and nearly \$23 million in U.S. currency and monetary instruments.

The magnitude of violence surrounding these transnational smuggling organizations necessitated the merging of legal authorities and expertise in multiple law enforcement and intelligence entities through task forces such as the BEST and outbound operations such as our weapons Outbound Operations Initiative, Operation Amas Cruzadas, and our bulk cash smuggling initiative Operation Firewall.

In June of 2008, ICE officially launched Operation Amas Cruzadas to combat criminal networks smuggling weapons from the United States into Mexico. To that end, the U.S. and Mexico synchronize interdiction, investigation, and intelligence sharing activities aimed at dismantling weapons smuggling networks on both sides of the border.

Since 2008 Operation Amas Cruzadas has resulted in over 112 arrests and the seizure of over 1,400 weapons and 116,000 rounds of ammunition. One of the most effective methods to deal with violent transnational criminal organizations is attacking the criminal proceeds of (inaudible) operations.

ICE targets individuals and organizations that exploit vulnerabilities and financial systems to launder a list of proceeds. The combination of successful investigations, banking regulations, and stringent laws has forced criminal organizations to seek other means to transport their list of funds across our borders.

One of the means is a smuggling of bulk cash currency out of the United States, specifically, along Southwest border. ICE's Operation Firewall, in which we partner with CBP, Office of International Affairs, and state and local officers combats this threat, and since inception has resulted in over 423 arrests, seized over \$183 million -- 62 million of that has been seized overseas -- and, specifically 38 million in Mexico.

ICE is committed to effective cross-border communications and information sharing to

standby national criminal activity and its associated violence through the deployment of BEST, Operation Amas Cruzadas and Operation Firewall. By partnering with other law enforcement agencies, we're able to use a broad range of authorities including the more sophisticated and investigative tools to respond to and conduct our investigation.

I'd like to thank the subcommittee for its confirmed support of ICE -- it's continued support of ICE and our law enforcement missions and would be happy to answer any questions that you may have at this time.

CUELLAR:

Thank you, Ms. Ayala, for your testimony.

I now recognize Major Peter Aylward to summarize his statement for five minutes.

AYLWARD:

Thank you, Mr. Chairman, Congressman Rogers, and committee members for allowing me to come and testify before you today. I think it's really appropriate the seating you gave me, first of all, here.

Historical constitutional role and Article 1, section 8, clause 15 and 16 is available to the governor and available to the president. So putting us in between the local and state folks and the federal government is the appropriate role of the National Guard has always played.

Historically, the National Guard has provided support along the borders under two programs: Narcotic Drug Program under Title 32, Section 112, which is our congressionally mandated program, which has authorizations up to 4,000 by law and is currently funded at approximately 2,500.

The other program is under our Innovative Readiness Training Program. That program uses existing training funds as a training benefit to the units that are getting ready to do global deployments. And then finally, what I'd -- what I'd ask is that the integration of -- of the efforts between the two is -- is kind of where we are in the whole process of the defining requirements based upon capability gaps at the local and state level and at the corporate federal government level.

In fact, later on today, I'll be a member of the -- the integrated planning committee over at the Eisenhower Executive Office building to work with the community as a team to

discover what those capability gaps are so we can provide the appropriate technical advice and assistance and military capabilities to complement those.

So, gentlemen, subject to your questions, I'm looking forward to the question and answer period later on. Thank you.

CUELLAR:

Thank you, Major General, for your testimony.

At this time, I will recognize Sheriff Gonzalez to summarize his statement for five minutes.

Sheriff?

GONZALEZ:

Thank you, Mr. Chairman. Good morning committee members -- committee members, (inaudible) Ranking Member Rogers, members of the subcommittee, it is an honor and a privilege to be here with you today to discuss and examine preparedness coordination and response efforts of first responders along the Southwest border and how unique some of those challenges are to us as local law enforcement.

I'd like to briefly explain to you how we formed our coalition. In May of 2005, 16 sheriffs in Texas, whose counties border the Republic of Mexico, formed the Texas Border Sheriff's Coalition. In 2007, also because of their frustrations, sheriffs from New Mexico, Arizona and California joined the Texas Coalition, and we formed the Southwestern Borders Sheriff's Coalition.

These coalitions were formed because of our frustration with this. Us 31 sheriffs along the Southwest border dealt with inadequacy and a lot of times the inability of our federal government to be able to protect our borders. We felt then, and still do, that the 2,000 miles of Southwest border of this country -- this great country of ours needs protection and some type of immediate attention.

We are ready to work as a team, and we have been ready to work as a team for a long, long time. One of the many matters that concern us along the border is the cross-border violence that at times terrorizes the more than five million people that live along the Southwest border of our country.

After all this border shares, we are responsible for over 2,000 miles of border with Mexico and 98,480 square miles, which encompasses the 31 counties along the Southwestern border. This violence that we see spilling over from Mexico, we refer to it as Narco Terrorism. People are always living in fear. People that live along the border live in fear a lot of times because of this spillover violence.

Now what is Narco Terrorism? As far as we're concerned, it's the threats that our officers have to deal with along the border on a daily basis, and they include but are not limited to kidnappings, carjackings, home invasions, extortions, shooting of law enforcement officers on the U.S. side from Mexico, armed individuals escorting humans and narcotics into this great country of ours, members of drug trafficking organizations that visit law enforcement officers' homes on the U.S. side and threaten them and their families at times.

We all see many deportable or people that have been deported, previously deported from our country coming back into the United States -- individuals that have been deported because of convictions for murders, for child sex assaults, and we're seeing them come back into the country. We're seeing an increase in auto thefts, not only in the area of the border but in Dallas and Houston and San Antonio, Texas.

Those vehicles come back to the border to Mexico used for smuggling of narcotics and humans. Now these criminal violations or spillover violence from Mexico and violence along the Southwest border, as far as we're concerned, has intensified in most areas since at least 2004.

Now working as a team and working into an interoperable communications along the Southwest border, more and more, we're seeing individuals -- armed individuals -- coming into our country -- or to our counties. We feel that it is a matter of time before a shootout will occur, and in the event that that were to happen, we are very definitely outgunned and outmanned along the border.

The federal government must provide some type of funding for local law enforcement in order to assist us in securing the borders of this country. In Texas, because of our efforts, our governor has opened the Texas Border Security Operations Center. The Center along with six others along the Texas-Mexico border houses peace officers and enlists intelligence officers, and most of them are officed at Border Pro-sector offices (ph).

We then formed the Joint Operations Intelligence Center, the JOICs, where we have local officers, state officers, and federal officers working together in obtaining information -- obtaining intelligence information and then giving it back to the officers in the field. This is done on a daily basis.

Now it is my understanding that this subcommittee wants to -- to evaluate the level of coordination of emergency communications between federal, state and local officers and how we can effectively exchange information in real time in the event of a -- of an overwhelming emergency.

Interoperability, I'm sad to say, is not always working along the Southwest border. We're trying to meet those challenges and be able to effectively communicate among first responders first in other agencies. Information sharing, however, is still a very long ways off. I want to -- I really want to talk about is the -- of course the (inaudible).

What we're doing in Texas with some of the programs we have -- Operation Linebacker, Operation Stonegarden, Operation Border Stories Deterrence (ph) -- if we had as many officers on the -- on the border as we're doing in Texas now, we're preventing an incident from happening in this country. We're preventing spillover violence from Mexico.

And, again, we're very, very concerned of what's happening on the Southwest border. We, as sheriffs, are ready to proceed. We, as sheriffs, at this time.

Some of the solutions we talked about, again, is funding to be able to properly address the situations for local law enforcement. Now, Dr. Barth briefly touched a little while ago regarding Sheriff Ted Sexton from Tuscaloosa County, Alabama, who has been to the border. This is the first time that we have seen the cooperation from the federal government with local law enforcement.

We have attended hearings before here in D.C. and elsewhere. With -- with Sheriff Sexton's visit though, we're finally able to see something from the federal government where the federal government is finally listening to local law enforcement. We hope that Secretary Napolitano continues with his program with the state and local law enforcement, and we hope, of course, that Sheriff Sexton continues to visit us in the future (inaudible) the border.

With this, Mr. Chairman, I want to thank you for what you do for our district, the 20th district, and I want to thank the committee members for what you do for this great country of ours.

Chairman Cuellar, this concludes my statement, and I'd be happy to answer any questions the committee members may have. Thank you.

CUELLAR:

On the cameras, just make sure there's no flash photography, just on that.

Let me -- Mr. Gonzalez -- Sheriff Gonzalez, I always appreciate -- actually he is from my district. Janice also is in Laredo, also. I want to thank them because they do have a lot of experience on the border.

As the next sheriff, Sheriff Dever, who will now summarize his statement for five minutes.

DEVER:

Chairman Cuellar, Ranking Member Rogers, members of the committee, thank you for inviting me here today.

I sit here not only representing my constituents in Cochise County and fellow law enforcement officers in Arizona but also the National Sheriff's Association, where I sit on the board of directors and chair the Immigration Subcommittee, and it's with their support that I'm -- I'm here today.

Just to give you a -- a brief history -- kind of put in perspective where we've been and where we are: I have in my hand a magazine published by Arizona Sheriffs and County Attorney's Association that quotes then Border Patrol Sector Chief John Gall (ph) as saying this, "Within the last year, we've been mandated by Congress to gain control of the border, and we're going to do that on our southern border, whether it's narcotics, illegal aliens, terrorists, criminals or whatever."

Now, what I find remarkable about this publication is that it was published in 1987, and the word "terrorist" is mentioned here. So this is nothing new. Criminal aliens on the border is nothing new, and this was also 1987 -- one year post Reagan Amnesty. And obviously, that program did not work at that time and is likely not to work again in terms of securing our border.

Also, in 1997, I was invited before a body of Congress to testify about border violence on the -- on the Southwest border. That was 12 years ago, and here we sit today holding a hearing regarding the same thing. I only say that to help us to not continue the same path that has led us here today and that 12 years hence, we're holding these hearings over the same matter.

Violence comes in many forms on the border, and it starts, frankly, south of the border with the smuggling organizations competing for the corridors that they work in and competing for illegal aliens to smuggle, and it continues as they cross the border.

It's estimated that over 80 percent of the women who cross the border illegally have been subjected to sexual assault somewhere on their journey prior to ever crossing the border. We deal with homicides, sexual assault, physical assault, robbery, and all of those crimes have to be investigated by state and local law enforcement on this side of the border.

When people are arrested and charged with those crimes, they're housed in our jails at tremendous expense. Their stay is long because they can't post bond. Most of them are indigent, so they're assigned a -- an attorney to represent them by the county, by the state, at the state's expense, and many of them have serious medical problems that also require -- since they're now wards of the state -- require the state and counties to foot that bill. That's some of the bad news.

Also, another portion of the bad news is that people who die crossing the border as a consequence of natural causes, those cases have to be investigated fully as homicides until cause of death is determined. And so those are very expensive as well.

Moving quickly along, the physical impact over the years has suggested that as much as 37 percent of local budgets are being expended on matters illegal-alien related. If you had to spend 37 percent of your business profit -- all of a sudden, overnight were diverted to something you hadn't planned or prepared for, you'd probably be out of business.

SCAAP was an important program, State Criminal Alien Assistance Program that in 1995 resulted in a reimbursement to localities for incarcerating illegal aliens of approximately 33 percent. Today, that fund accounts for 9 cents on the dollar in reimbursement to localities. It needs to be restored.

How better to coordinate my friend and colleague, Sheriff Gonzalez, has suggested some things. We have seen an improved outreach by DHS in the last few months. It is great appreciated. Important thing to remember that I can't emphasize enough is that every federal initiative, every -- every federal strategy and tactical planning opportunity needs state and local input because they have local consequences. And if those aren't considered up front, we'll continue to suffer tremendously under this great burden.

Thanks for having us here today. I look forward to answering your questions.

CUELLAR:

Sheriff Dever, I thank you very much for your testimony, and I want to thank all the witnesses for their testimony.

I would like to recognize, of course, the chairman of the full committee, Chairman Thompson, who is here present and thank him for the leadership that he's provided on this issue.

I'd like to remind each member that he or she will have five minutes to question the panel. I will now recognize myself for -- for five minutes on the questions.

As a proponent of team work that produces measurable results, I introduced the Southwest Border Security Task Force Act of 2009, that's H.R. 1439. That will coordinate the efforts at the federal and the state and the local folks are doing and to work together, not only on this side, but also with the -- with our counterparts across the river. I know that those specific instances where we have BEST and other programs where they're working together, but I'm talking about a coordinated effort across the Southwest border.

Taking that in consideration, I was also disturbed, you know, that -- to read that the March 25th edition of The Wall Street Journal said that the federal agencies -- that those federal agencies are refusing to work together on task forces that the administration has established to fight drug cartels.

The article cites an example, for example, one of the federal agencies that refuses to allow its agents to participate in the special task force groups established by DHS in Arizona, which is a major corridor for gun trafficking. They're participating in Texas but they're not participating in Arizona, and this is one of the reasons why I'm a big component of this -- proponent of coordinated -- it's a very simple concept, but it's hard to implement, but I think we need to have that coordination.

I guess, Dr. Barth, my question to you is, does DHS have the authority to compel participation of DHS components and other federal agencies to work collectively to deter the encroaching drug cartel related violence?

BARTH:

Thank you, Mr. Chairman. I think that I'm not aware of the exact incident that you're referring to that The Wall Street Journal reported on.

CUELLAR:

ATF.

BARTH:

ATF? OK. I'm not aware of that precise case, for example. DHS does not have, indeed, the authority to compel other agencies to participate in various operations; however, DHS does have a leadership role in the Southwest border that I think you will see being very effectively managed collaboratively among the agencies.

For example, Secretary Napolitano, has met both with Secretary Clinton and the Attorney General Holder to ensure at the very highest levels of the administration that there's a commitment to work collaboratively on all of the issues across the board that affect the Southwest border.

That goes to north of the border, collaboration on guns moving south and money moving south to work -- to interdict drugs that are moving north and to work with the Mexican government on the violence that is south of the border, particularly through the Merida Initiative and other collaborative work that's done by ICE and other components of all the agencies of government.

As we speak here today, there is intensive work going on that involves, indeed, all of the components of DHS as well as representatives of other agencies to ensure that the level of collaboration going forward is unlike that we've ever seen before. And from what I can tell from where I sit working both with the White House and other agencies, through the White House coordination process, I would add that the White House and the Obama administration is fully committed to making sure that the collaboration exists going forward.

CUELLAR:

Right. What -- what about working with the local offices? I know you had the gentleman Sexton go out to specific areas, but that's a time-specific, time-certain time that you have an individual, but is there more of a coordinated effort that you're reaching out to -- to the local folks?

BARTH:

Yes, I believe, Mr. Chairman, that Secretary Napolitano as a former border governor, will focus on those relationships like no one ever has before. She realizes the critical nature of that kind of collaboration. I think that you will see frequent visits by her and her senior staff to the northern border and to Mexico until we get ahead of the curve here.

CUELLAR:

Secretary Napolitano will be in Laredo this Friday, could you -- I don't know exactly what her schedule is. I have a general idea what it is, but can you make sure that she meets with the local state and -- state and local law enforcement? Because my understanding is that, you know, without going to her agenda, but I just want to make sure that -- that two things are said: one, that we include the state and local folks, and we'll be happy to coordinate with you, number one.

And number two, that we bring some of the business community leaders, because one of the things -- for example, Laredo's the largest inland port in the U.S., and we want to make sure that we have strong border security, and I think Janice and (inaudible) you know that in that area. We want to have strong border security, but at the same time, you know, when we have 13,500 trucks a day coming across the border -- doesn't include rail, doesn't include air also -- we don't want to impede the trade.

We don't want to impede the truism, the retail, which is so important to our border economy, and I would ask you to just make sure you send that message that it's -- it's not just coming in and meeting with federal ICE officials. You know, with all do respect, but also to include our local and state officials also.

BARTH:

I will transmit that message. I know she's trying to meet with both private sector representatives as well as state and local officials on all parts of her trips as she travels around the country, and that message will be transmitted for sure.

CUELLAR:

Thank you, Dr. Barth.

BARTH:

You're welcome.

CUELLAR:

Major General Aylward, last month, Governor Perry -- the -- the Governor Perry for the

state of Texas requested the president provide 1,000 more guardsmen to support border security missions along the Texas-Mexico border.

From the guard's -- your perspective, does Texas need more Title 32 resources, or do we have -- or do we have enough adequate resources to meet its mission?

AYLWARD:

Thank you, Mr. Chairman. In my opening remarks, I mentioned we're really at the preliminary stages -- the formative stages of developing requirements based upon capability gaps that exist.

The appropriate role, and from a Guard Bureau view, is to provide the technical advice and assistance on the capabilities within the military portfolio that augment either state and local requirements or requirements that we would get from the Department of Homeland Security. And so, we're still in the formative stages of that. We really don't have a complete list of what the requirements would be.

But any requirement that we did get, we'd need that increased funding in order to be able to -- to accomplish those missions and those -- the range of activity that they're looking for us to perform, without which that increased funding, then there would be an impact on our readiness.

CUELLAR:

So you're answer is?

AYLWARD:

We don't have -- I mean the view of the state and local folks in terms of what the requirements are is -- is really -- it's -- it's -- as you -- as you kind of highlighted, is a combination of the local officials and the state officials.

Do they have enough capacity and capability within -- within those different organizations and agencies to cover down on what the governor asked for, I think, is still something that they're working through. And so, until they complete that analysis, the identification of any gaps that would exist that the Guard may augment is still a work underway.

I really don't -- until that work is done, I -- I don't have a definitive answer for you.

CUELLAR:

OK. Thank you, sir.

One last question, and then I'll pass this on to the ranking member.

Ms. Ayala? The -- that same article, the March 25th edition of The Wall Street Journal, the former ICE director, Julie Myers said, that the MOUs regarding who works on drug-related cases are outdated and quote, "The agents have their hands tied behind their backs." Any comments on any MOUs that we -- that you all have among agencies -- federal agencies and any opinions as to whether they're outdated or whether they should be adjusted so you can go ahead and meet the emerging threats that we have?

AYALA:

Thank you. Yes, we are working on an MOU that predates the establishment of ICE or DHS. It's a MOU from 1994 between Customs and DEA, and it does put a cap on the number of cross-designated Customs agents, or ICE in this case. At that time, we were working with about 3,000 agents, and now we're up to T.O. (ph) of over 6,000 agents.

We are a border agency that deals with all cross-border smuggling, and we would appreciate to have Title 21 concurrent authorities that would help us to do our job better and avoid delays.

CUELLAR:

So are you all working on updating that MOU?

AYALA:

We have been working, yes, sir, with DEA on updating that MOU.

CUELLAR:

Do you know when roughly you'll have that done?

AYALA:

I'm not sure, but I can get back to you on that, or we can set up a briefing to give you more particulars of all the details at this point.

CUELLAR:

OK. If you'd just keep the committee updated on that, and if we can assist you in any way, and try to get you and DEA to get together and -- and work this out, let us know.

AYALA:

Thank you.

CUELLAR:

All right. At this time, I would like to recognize the ranking member of the subcommittee, Mr. Rogers, the gentleman from Alabama for questions.

ROGERS:

Thank you, Mr. Chairman, and I'd planned to go in a different direction with questions, but Sheriff Dever really, I think, honed in on what this hearing's all about, and that is referring to the 1987 article that talked about these same things. And here we are dealing with them in a more of a reactive fashion than a proactive fashion.

I'd like to know, particularly from you and then Sheriff Gonzalez, what are we at the federal level not doing that we should be doing to make sure that we have -- that you have what you need at the first responder level to deal with these threats that you described so well?

Sheriff Dever first.

DEVER:

Mr. Chairman, Ranking Member Rogers, thank you. A couple of things come to mind.

The federal government has increased resources on the border significantly over the past 10 years, but sadly still coming up very, very short. I mentioned the SCAP funding program, which -- it's really significant.

I mean, most counties along the border are small and poor and yet have a tremendous burden in terms of -- of bearing the financial hardship of the cost associated with crime committed by people who cross the border illegally. And those...

ROGERS:

How much -- how much do you receive in Cochise County?

DEVER:

Right now, we're getting about 9 percent on every dollar that we spend.

ROGERS:

What do you need?

DEVER:

One-hundred percent.

ROGERS:

Which is how much?

DEVER:

Right now, we're incurring somewhere between \$400,000 and half million dollars a year in housing, and keep in mind, we do not house people charged for federal immigration violation or federal drug crimes. These are crimes committed against the state where charges have been filed in the county.

ROGERS:

So you need -- you need \$1 million a year for SCAP funding?

DEVER:

Yes, sir.

ROGERS:

What else?

DEVER:

Well, that's -- that -- we were just talking about one county.

ROGERS:

I know. I'm -- I'm asking you what else do you need?

DEVER:

Secondly, Operation Stonegarden's had some success. Enhancement of that would be helpful. One of the things that's lost in most funding mechanisms in programs, Congressman, is costs for infrastructure to support.

We put a lot of boots -- we talk about boots on the ground. We talk about officers and patrol cars and costs associated with all of that, but as that component grows and increases, so does the need for supporting infrastructure.

ROGERS:

Such as?

DEVER:

Communications, the ability -- communications infrastructure, giving us the ability to talk to each other across...

ROGERS:

What else?

DEVER:

... jurisdictional boundaries and lines. There has been some improvement there and there's still a long way to go. Personnel to man communications centers, money to -- for brick and mortar to build enhanced communications centers. We're operating out of little cubby holes and corners, and a place where we can co-locate and have a commonality for communications, as well as the support staff in terms of recordkeeping, you know, report and data retrieval, intelligence gathering and dissemination.

All of those components are necessary.

ROGERS:

OK. What about you, Sheriff Gonzalez?

GONZALEZ:

Basically, about the same thing, Mr. Rogers. (Inaudible) we're looking at, for example, Ms. Ayala talks about the BEST task forces, regular task forces. Things -- when you have small counties, you cannot always contribute to those task forces with personnel, because you don't have any personnel to contribute with.

There's some counties in Texas that have a sheriff and two deputy sheriffs cover 6,000 square miles. It's very, very difficult to be able to have somebody or to participate. Operation Stonegarden's good. (Inaudible) also, how long can you work this officers on overtime?

The COPS Office Program -- COPS Programs, for example, that -- have been recently -- reinitiated again. Very good programs. Things we'd like to see is that perhaps at year four that the local agencies don't have to continue to fund those positions as a requirement to keep those officers.

What do we need on the border officer to assist in what's happening on the borders is personnel for local agencies. This Congress of the 107th -- 108th Congress -- I don't recall exactly which one it is, but there was legislation filed that was also sponsored or supported Congressman Cuellar, Congressman McCaul and some other congressmen along the border.

Legislation was filed together with Congressman Culverson. That was directed at specifically local law enforcement, and that is where we need the funding. You can have all the ICE agents -- ICE agents or border patrol agents in the nation go to the border. How long will they be there?

ROGERS:

Yes.

GONZALEZ:

For one, and how many of those -- 95 percent, probably, are going to be lost. They don't know where they're going to go. They don't know the local people. They don't know who the local dealers are. They don't -- they don't know those things.

ROGER:

Yes.

GONZALEZ:

So, mostly, you go to the borders for federal agents mostly what I call a hardship station. You get there, you want to get out of there as quick as you can. We're there. We live there. We know the people. We need...

ROGERS:

Thank you.

GONZALEZ:

... the funding for local agencies.

ROGERS:

Thank you.

Ms. Ayala? Have -- has there been any communication between your office or your department and these local law enforcement agencies about specifically what they need from you or from the Department, and that may be for Dr. Barth, I don't know.

And a -- and a way to kind of put this in a form of a request to Congress to make sure that they're receiving what they need to work in collaboration with you in an effective manner.

AYALA:

Well, we work with them every day. They're -- most of them are on our task forces to look at what type of equipment needs and what type of facility needs they have. We participate with them on a daily basis as far as trying to get them cross designated and providing some other means for them to have asset-sharing opportunities.

There aren't -- because they're on our task forces, any time we seize an asset, they're entitled to -- to put in for asset sharing...

ROGERS:

But my question is, have you put together an inventory of what is needed along the Southwest border, specifically, with regard to local first responders -- local assets so that you can come to us as the authorizing entity and say what we need to do our job in collaboration with local law enforcement is A, B, C, D, E. Is that -- do you have that assembled?

And that me be for Dr. Barth. It may not be a fair question for you.

BARTH:

Thank you, yes. Let me at least give us two data points for point of departure here. For

the Operation Stonegarden funding, in 2008, we have about \$58 million to award. We have 143 applications totaling \$290 million. So that, for example, gives you a highlight of the gap between what might be required to help all of the 24 counties in the four states along the Southwest border.

We will award that -- that \$58 million in the near future. We have \$60 million in the '10 budget plan for Operation Stonegarden. So clearly, more resources could be used along the Southwest border. Our effort is to try to make sure that the resources we do have are prioritized according to risk and, therefore, allocated accordingly.

ROGERS:

I understand, and -- and -- and in fairness, I'm not beating up on you, because it's not your fault. \$60 million along the entire four states of the Southwest border is a miniscule amount of money to deal with the problem we've got, particularly, given the amount of money we're talking about giving to the Mexican government to deal with this.

We need you all to come to us with some meaningful numbers that -- that you need from us to deal with this problem. You know, the numbers that Secretary Napolitano's talking about redirecting within her current budget, is not really a meaningful number, in my view.

So I would -- that's the direction I would ask for from you.

I'm sorry I went over my time, Mr. Chairman. I yield back.

CUELLAR:

At this time, I'll recognize other members for questions that they may wish to ask the witnesses, and accordance with our committee rules and practice, I will recognize members who were present at the start of the hearing based on their seniority of the subcommittee, alternating between the majority and the minority. Those members coming in later will be recognized in the order of their arrival.

At this time, I will recognize the chairman of the committee, Mr. Thompson.

THOMPSON:

Thank you, very much madam -- Mr. Chairman, and I appreciate you holding this

hearing.

I'd like to ask both Sheriff Gonzalez and Sheriff Dever prior to the announcement of this border initiative, did you receive any communication from the Department. Yes or no? I guess that's...

GONZALEZ:

Very short answer, Mr. Chairman, you talking about the Department of Homeland Security?

THOMPSON:

Yes.

GONZALEZ:

No, sir.

DEVER:

It'd be the same answer here, sir.

THOMPSON:

Are there some things in this initiative that you think we could do better in line with what the ranking member asked earlier, or are you satisfied in the present form?

GONZALEZ:

Again, Mr. Chairman, there is really not enough funding there. And let me just clear something up, and I know I've said this many, many times in the -- in the several times that I've testified before Congress. We don't want to be border patrol agents. We're just concerned with what's coming into the country on the criminal type of basis.

We need, again, funding for local law enforcement to be able to do what we're supposed

t be doing along the border, sir.

THOMPSON:

So in other words, you're looking for help to help catch the bad guys. Am I correct?

GONZALEZ:

We're looking for help in catching the bad guys who are coming in, sir, and also protecting the citizens and residents who are already living in our -- in our counties so that they not get kidnapped and not get extorted, not have their homes -- homes invaded, that they not get tortured and things like this.

THOMPSON:

Absolutely.

Sheriff Dever?

DEVER:

Give you a -- a ballpark number and actually it's kind of a hard number. We beat this around National Sheriff's Association for sometime about a year ago trying to come up, for the Southwest border, a hard number that we thought would be adequate. \$500 million a year for five years was the -- the figure that we looked at as being actually something meaningful that would -- would provide the resources Sheriff Gonzalez and I mentioned here today.

THOMPSON:

Thank you.

Major General Aylward? You referenced in Chairman Cuellar's question that you're not quite ready to address Governor Perry's request for 1,000 people or -- or you're still analyzing it, and could you just kind of expand on -- on your previous answer?

AYLWARD:

Yes, sir. In fact, this afternoon I'll be attending a meeting over at the Eisenhower Executive Office Building. We just got to take the requirements across the four-state region marry it up against what the rest of the 22 agencies that make up the Department of Homeland Security and make sure that we appropriately cover down on the gaps that exist.

Military isn't the only solution to the gaps that exist out there. So the appropriate role for us would be a result of that -- that more rigorous analysis in terms of what can be done across the team here from local, state, through the federal government. We've always bridged that gap within the National Guard program on a counter-drug and an innovative and earnest training.

Any requirements that come out of that gap analysis will require the additional funding for us to effectively perform those missions.

THOMPSON:

So I guess the question -- the answer I'm looking for is whether or not you presently possess the money and/or resources to address this request for 1,000 personnel to go to the border?

ALYWARD:

The -- for -- for additional 1,000 people to go to the border, as I mentioned a number of times, is -- would be the increased funding to pick up the incremental cost associated with that deployment of the additional 1,000 folks. Within our program at large, we believe that we have at least up to 1,500 folks that could be available under the counter drug program, which is the congressionally mandated program that has a statutory cap of 4,000 and currently is at approximately 2,500 folks at this point.

THOMPSON:

OK. Maybe I'll get you to tell me what the answer. I -- thank you, General.

Dr. Barth?

CUELLAR:

OK. Mr. Chairman, can I just follow up? The -- the study that -- we've been talking about Governor Perry from the state of Texas, but -- I guess, you all analyzing the four border states, right, not just the state of Texas needs?

AYLWARD:

Yes, sir. That's the way I understand is that meeting this afternoon at the Eisenhower Executive Office Building.

CUELLAR:

Right.

AYLWARD:

I -- I understand Governor Perry has a -- has a requirement on the table for 1,000, but that has to be vetted again, you know, with the local, state folks and with our -- with our -- with our corporate partners and the federal government -- the 22 agencies that make up the Department of Homeland Security -- to make sure that we appropriately cover down on what that request is all about.

CUELLAR:

And the -- you said there are about 1,500 personnel that could be available right now?

AYLWARD:

Within our program, sir, we believe -- there's a statutory cap on the counter drug program, Title 32, Section 112, of 4,000. I have approximately 2,500 people right now that are funded.

THOMPSON:

So you have 1,500 that are not funded.

AYLWARD:

Correct.

THOMPSON:

OK. That's what I was trying to get to.

AYLWARD:

OK, sir.

THOMPSON:

Thank you.

Dr. Barth? Who at DHS is responsible for the Southwest Border Initiative?

BARTH:

Sir, by her active engagement on the issue, I would have to say it's Secretary Napolitano. She is engaged on this issue in -- with respect to every aspect of it. The use of the Merida funds south of the border to support the Mexican government, the deployment of the specific agents and inspectors from all of our component agencies, and takes a lot of the responsibility for ensuring interagency coordination with our sister department and agencies.

THOMPSON:

Well -- and I appreciate your putting the ultimate burden on the secretary. OK? But after secretary, I need you to give me -- and maybe you can just forward it to the committee, the components that make up Southwest Border Initiative and the staff persons who are responsible for either management or oversight of each component. I mean, that's what I'm trying to get to.

BARTH:

We can provide you that, sir, very quickly after the -- today's hearing.

THOMPSON:

One of the concerns is you heard two sheriffs talk about some concerns that they have, but I'm -- I want to make sure that there's enough continuity of information and individuals so that their job can be made easier in this whole initiative process. It -- it really doesn't matter which one, but as long as they're clear as to who the individuals they relate to.

One other question.

Ms. Ayala? OK, good enough, I hope. What incentives do we, from the department level, offer state, locals, and tribal entities to participate in these programs, especially the BEST program?

AYALA:

Well, I think, first we provide a force multiplier effect, as Sheriff Dever was saying that often times we have a sheriff's office that have one or two people, and they're trying to be involved in a complex investigation. They may need more resources, more equipment. We, in turn, need their expertise. So by being on a BEST, we have multi-agency international, multi-disciplinary team that provides that.

Number two, they're -- they are able to be cross designated in Title 19 and Title 8, which is Customs and Immigration Authorities -- at least be able to do their job and further those cases that they're working in furtherance of the BEST.

We also have the asset sharing program so they can be paid for overtime and share assets for other things that they may need for their department, and because they're participating in -- in task forces such as a BEST, they also can apply for DHS grants as specific to that.

THOMPSON:

Thank you.

Both sheriffs, you've heard -- other than overtime, you heard some other opportunities that are available to you. Before the hearing and what you heard, were you familiar with that?

DEVER:

Mr. Chairman and Mr. Thompson, yes, to some degree. We -- we have a -- a great -- at least at the working field level -- great cooperative spirit with our federal partners on the border.

Where communication generally breaks down and doesn't occur is what I mentioned earlier, there's a lot of planning -- strategic planning, tactical planning and policy making that goes on in this town that then gets pushed down to the -- the SACs (ph) and sector chiefs that have a local impact and are already in place before we ever hear about them, and the consequences are already developing.

And so, again, I -- to -- we have seen a recent improvement. We welcome that with open arms. We hope that it continues. And continuity, as you mentioned, earlier, sir, has been the -- the problem. We have, you know, little -- little spaces and points of time when -- where we sit down and we talk, and then it all goes off everybody's radar screen for some reason. We don't get back together until there's another crisis, and by then it's too late.

I -- I would -- in response to your question, if you don't mind, one -- mention one other component here that's critical that isn't represented here today. In the federal scheme of things, the U.S. Attorney, and I don't know if this is at the Washington level or state level, they established thresholds for prosecution.

For instance, drug smuggling cases in my -- in our state, the threshold for prosecution of marijuana smuggling cases, it's 500 pounds. Anything under 500 pounds, is dismissed or referred to local and state prosecutors for dealing with, and we simply don't have those resources. And I know the U.S. Attorney is strapped for resources, but that's another component needs some serious addressing not -- not only for -- for drug smuggling but people smuggling and the movement to illegal weapons in both directions across the border.

THOMPSON:

So when that happens, what burden does that put on you? Do you have to house those individuals or -- until they are transported or what?

DEVER:

The local prosecutor has to make a -- a decision on whether or not he has resources to prosecute. If he does, then we house those individuals. From a law enforcement perspective, what you'll always here is we think everybody ought to go to jail who's committed a crime and that none of these people should walk and get off free.

But they know they can come through a port of entry for something less than 500 pounds of marijuana or a couple of hundred pounds of cocaine -- kilos of cocaine, and within impunity. They'll lose the contraband. They may lose the mode of transportation, but there's no criminal prosecution, and that just makes an -- an open announcement that, you know, come on in. Nothing's gonna happen...

THOMPSON:

And you think that's predicated because there's no -- or there's limited resources available at the U.S. Attorney's Office to prosecute?

DEVER:

Yes, sir.

THOMPSON:

Sheriff Gonzalez?

GONZALEZ:

Yes, Mr. Chairman, in response to your -- to your question, also, yes. We -- we're very -- we are very much familiar with -- with -- with Ms. Ayala's talking about prior to today.

Thing is, again, we cannot dedicate resources on a full-time basis unless they're paid for. And I have two deputy sheriffs assigned to a HIDA task force. The deputy sheriffs are paid through HIDA funds. I could not afford to pay them through county funds. So we are familiar with the programs that are there.

We are familiar with asset sharing. We're familiar with these things here; however, we

cannot commit to some type of very long-term investigation. What I'm talking about here today, Mr. Chairman, is something that's needed immediately. In other words, when you have that 911 call that's made to us, we have to respond now. It's not a long-term thing where we can leave it for next week. We have to respond now.

So we're familiar with these programs. The thing is, we just cannot dedicate the personnel for this -- for this long amount of time. For one -- another one again is that -- this is something I love to hear. We just heard it last week again. Information for Mexico. When you guys were working, which is us, we don't move our loads.

To me, Mr. Chairman, I'd much rather prevent a burglary or prevent a murder than try to solve it later on. To me, sir, deterrence is paramount. To me, deterrence is the best there is, and that's what we do. What Sheriff Dever was talking about also like the SCAP funding. District attorney in our jurisdiction does not accept any federal referrals at all. If you got 200 pounds of marijuana, federal government, you take it. If you got an ounce of marijuana, federal government, you take it. We do not accept federal referrals.

We have to put these people in our jails again. We're not getting funded through SCAP. President Bush cut SCAP funding to zero, JAG funding to zero, Burn (ph) grants to zero. We cannot continue to -- to I guess you -- cannot continue to subsidize the federal government with local taxpayers when on April 15th, here comes IRS wanting more money.

Our local taxpayers can just not afford these things. So what Sheriff Dever's talking about, we are -- we don't accept federal referrals, period.

THOMPSON:

Thank you, Mr. Chairman.

CUELLAR:

(OFF-MIKE) gentleman from state of Louisiana, Mr. Cao.

CAO:

Thank you, Mr. Chairman. I just want to ask you a very quick question concerning communication between local enforcement officers with state -- with federal agencies. Is there a system for you all to communicate, because based on the testimony of Sheriff

Gonzalez, you were saying how the local people understand the situation; they know who the people are.

Is there a communication system between the -- the different level that exists out there?

GONZALEZ:

I'm assuming you're talking information sharing, Mr. Cao, I think, not radio communication, right? Information sharing?

What we do for information sharing is that we do submit our reports or intelligence information on a daily basis to our JOICs, to our Joint Operations Intelligence Centers. Ours is located in Laredo, Texas, and we have the main one in Austin, Texas, our state capital.

There is communication, yes, sir. Just about a month-and-a-half ago, as a matter of fact, I did call a meeting in my office with federal agencies and state agencies asking them to please participate a little bit more in information sharing and in -- and in -- in providing us improper -- not improper -- rather information sharing. Is that what you're referring to, sir?

CAO:

Correct. Thank you very much. That's all I have.

CUELLAR:

At this time, I'd like to recognize Mr. Cleaver from the state of Missouri.

CLEAVER:

Thank you, Mr. Chairman.

To the sheriffs, do -- do either or both of you know who TJ Bonner is?

DEVER:

Yes. I'm acquainted with him -- with Mr. Bonner.

GONZALEZ:

And I am also, sir.

CLEAVER:

Mr. Bonner, in an interview last week, said that he was underwhelmed with the new emphasis that Secretary Napolitano has put in place that it does not in any real way halt the flow of weapons going into Mexico.

Apparently, the drugs travel northward and the weapons travel southward. Are you -- do you agree with Mr. Bonner, I mean, that our efforts are -- are -- are weak and that little change is going to -- to take place?

DEVER:

If I may, I probably have a little bit different perspective on this, and I don't mean to be flippant. So I'll try to be careful in my remarks, but, you know, there's a lot of talk about more southbound inspections, but I don't know if you've ever traveled out of Mexico into the United States.

CLEAVER:

Yes.

DEVER:

Sometimes two, two-and-a-half, three hour wait to cross the border because of our inspection process, and even then, only one out of, you know, a handful of vehicles is inspected. You start doing that going south, now you can begin to imagine what kind of infrastructure and personnel you're going to have to put in place to -- to make a meaningful effort there to inspect a significant number of vehicles to make a difference in the flow of any kind of contraband entering Mexico.

The other thing I'd like to say -- I -- I'm a little puzzled that it's our fault that drugs are coming into this country at the same time it's our fault that weapons are flowing south, and I think that the Mexican government has a greater responsibility to step up to the plate and

do their part on their -- their side of the border in order to secure the sovereignty of their nation.

GONZALEZ:

With that also, sir, and I'm more concerned, and I don't -- don't -- this is not taken the wrong way, but I am more concerned with what's coming into our country, sir, than what's going out. Obviously, yes, I am concerned with weapons going to Mexico, because some of those weapons are going to be used against us in the near future, probably.

But I am more concerned with what's coming in. Now, also, we're -- we're assuming here we're talking about ports of entry. The illegal stuff that we're seeing is coming into the country or going into Mexico in areas that are not ports of entry. In other words, between the ports of entry, and that's what concerns us.

Now, regarding, again, more funding to Mexico, I -- I'm not saying that I'm against the Merida Initiative by any way, shape or form, but what I'm saying, sir, is that I think a lot of this money going into Mexico where you saw it pumping this money -- you start squeezing this balloon, that balloon's going to burst somewhere.

And I think with -- through the Merida Initiative also, we could get some funding for local law enforcement on the U.S. side, and we can try to hopefully prevent that balloon from exploding into our country but rather maybe explodes at the southern border of Mexico.

And I hope -- and I don't mean to say that in a bad way, but we also need something for the weapons, for the drugs on our side of the border also.

CLEAVER:

Well it -- maybe Ms. Ayala -- is the -- the program that -- that's been put in place, Operation Firewall, I mean, it -- are we -- are we seeing any successes?

AYALA:

Yes, thank you. And I just wanted -- as I answer that question to also say that as far as the strategy that's going on today as far as deploying agents to the border to help with the situation, is something we saw in 2005 with the Mexican government deployed federal and military and additional agents to the Nuevo Laredo, and we in turn sent agents down

to the Laredo area to deal with increased border violence.

And we saw a drop of from 68 murder rate in 2004 up to 168 and then back down to 40 by 2007. So we did, by formulating this initiative -- Operation Blackjack, that was a border enforcement security task force through international commitment, and the multi-agency concept, we were able to really make a difference in the area of border violence.

So this is something similar that we're dealing with now when we think that we'll be successful, and as far as Operation Firewall, we've really been seeing lately as far as prevailing smuggling methods along the border is the bulk cash smuggling initiative, and it has been very successful.

It's a multi-prong initiative that looks at the domestic international and international movement of bulk cash, and we've been working with our partners in Domestic Highway Interdiction and we've seized over \$183 million since its inception and 38 million of that has been seized in Mexico.

CLEAVER:

Is it common knowledge where the -- where the ant trails are -- so-called ant trails? Is that -- is it common knowledge? Anyone, sheriff? General Aylward? I mean...

AYALA:

Are you referring to the weapons smuggling south, the one-by-one?

CLEAVER:

Yes. The -- the -- does this, I mean, this -- they're called the ant trails that the drugs follow these ant trails from Mexico across the borders. There's apparently a number of them, and I'm -- is that a term that you're familiar with?

AYALA:

I'm familiar with the term as far as weapons smuggling...

CLEAVER:

Yes.

AYALA:

... used outbound, and I think it's been referred to in the context as to whether we're looking at complex smuggling organizations or just following out one weapon at a time, and we're doing both where we've seized many weapons. We're doing complex investigations and seized arsenals of weapons that -- sometimes dozens at a time, and -- but we do regard the one gun just as important as a, you know, magazine full of bullets that could kill an innocent bystander.

CLEAVER:

Thank you, Mr. Chairman. I -- thank you, Mr. Chairman. I yield back all the rest of my time.

CUELLAR:

(OFF-MIKE)

MCCAUL:

I think the chairman.

Clearly, the state of violence has increased exponentially since the time we've come into office. The 6,000 killings, more than Iraq and Afghanistan combined -- the beheadings, the torture, the killing. I -- and I want to welcome the witnesses, and particularly the sheriffs for being here and the role that you play in the front lines.

Sheriff Gonzalez? I agree with you. I think one of the criticisms of Merida was the fact that we didn't have a joint strategy on this side and didn't provide adequate funding for this side of the border. So my first question is to our -- our DHS witnesses, Dr. Barth and Ms. Ayala.

And that is, what is the new enhanced role for the sheriffs, and are there -- will there be -- there be increased assets and resources for them? I know the secretary talked about a reallocation of the resources that -- that she has.

BARTH:

Thank you, sir. The primary resource change in the new announcement that the secretary made a week ago is with respect to the Stonegarden grants. There are some 58-59 million in unexpended, unobligated grants from '06 and '08 that we've expanded the use of that money for various additional applications by the state and local governments along the border states.

The -- the amount of money is unchanged from what has already been authorized and appropriated by Congress, but with the expanded capability to deploy that money, for example, you could see the state of Washington, which is facing significant bump up in cross-border traffic with the Olympics coming up. We could fund a 20-person state trooper team to go down and work along the southern border as a training exercise for them for what's coming in their future as well as helping out in the southern California border to deal with the criminal export of weapons and -- money -- bulk cash going south and drugs coming north.

Beyond the Stonegarden money, at this time, we're not prepared to announce any new funding for the state and local partners, but I think you will see, as I already said, a substantial reach out from this former southern governor, Secretary Napolitano, to the state and locals to make sure that that partnership is as strong as it's ever been.

MCCAUL:

And let me say, I -- I commend her for focusing on the Southwest border, which we've been focused on for quite some time. Sixty million -- that sounds like a lot, but with the threat that we face, I don't believe is nearly adequate enough. If this is a major funding mechanism for the state and locals, I -- I would suggest, Mr. Chairman, that we take a look in the Congress at increasing this funding for Stonegarden, which is a very successful and -- and a very good program.

And I think, Sheriff Dever, you mentioned 500 million was the amount that was talked about at the National Association level?

DEVER:

Yes, sir. We -- we spent a lot of time just analyzing, talking to all the Southwest border sheriffs trying to get a grasp on -- on a good hard number of what -- what would be something meaningful, and that was -- that was the number that we came up with -- 500 million, actually, a year appropriated for five consecutive years.

MCCAUL:

I think in addition, the SCAP funding that you mentioned is very important. Another issue out of this committee's jurisdiction though as a former federal prosecutor, we could never take all these cases at the border, and I think more resources at Justice to handle the lower amounts, because what they're -- they're just -- they're really good con artists. They're scamming us right now by bringing in shipments that are below the federal guidelines.

And they're -- they're doing that at smaller quantities and getting around the system, and there's not enough resources there to prosecute and lock -- lock them up. And I think you all understand that as you live it day-to-day.

I want to focus next to the National Guard, as the chairman mentioned, our -- our governor has requested 1,000 National Guard. The Counter Drug Program has -- has been successful. We had the JTF Sexton in El Paso out at EPIC, and it seems to me that we need to -- to bear all resources possible on this -- this issue.

And it seems to me the Guard can play a very useful role with respect to patrols and inspections at the border to choke not only drugs and human trafficking coming in but to choke the weapons and the cash going from this country back into Mexico, which arm and fund these drug cartels, and I just wanted to get the general's comments on that.

AYLWARD:

As I -- I've mentioned -- and as they go through that requirements analysis, we take a look at each range of activity -- the troops, the task that they actually want us to perform, we kind of vet it against six criteria: What's the cost? Is it legal? Is lethal force going to be used? Is it appropriate for DOD to actually perform that role? What's the risk associated with it? And is their readiness impact?

So based upon that criteria, we try to really kind of (inaudible) down in terms of, you know, what's the image that we portray as U.S. military augmenting local and federal agents along for precisely the task that you described, sir.

You know, you have to look through it through the lens of -- you know, what's it going to look like in the media as well. And so, we're very thoughtful about that, and we're very deliberate working with our partners in terms of discovering what's the most appropriate role and how can we actually make sure that's sustainable, supportable, and affordable

program.

MCCAUL:

And I understand the -- the thoughtful deliberation you have to go through. How long of a time line are we talking about before a decision may be made? You know, if you'll answer that, but...

AYLWARD:

Well, sir, I wish I had the answer myself, and frankly, we're -- you know, time sensitive planning or crisis action planning -- the reality is that there has to be the more comprehensive, thoughtful -- is this going to be something that we're just going to do for the next six months, or is this part of a corporate strategy that's going to span a number of years, perhaps maybe five or 10 years.

And so, with that and then you get -- then you really get, you know, what -- what's the most appropriate answer or option for the leadership to consider? Is it, should it be a military thing or should it be one of the 22 partners in the...

MCCAUL:

No, I would -- I would submit that you look at the urgency of the situation. We talk about a tipping point. I think we've reached the tipping point. The spillover's pretty clear. I just had a drug cartel-related style killing just outside of Houston, in my district, just last week.

This is -- this is the United States. I mean, these cartels are operating in the United States, moving their drugs through 230 cities in the United States. So this is not a -- this is not just south of the border. And I think that we need to take it -- again bear every resource we have to address this urgent situation.

Yes, sir?

AYLWARD:

Sir, we -- we hope to be part of that process with our partners on the left and right of me.

MCCAUL:

Thank you. Can I indulge the chair in one final?

CUELLAR:

Yes, sir.

MCCAUL:

I -- I appreciate that. The -- the -- Sheriff Gonzalez, I'm ranking member on the Intelligence and Information Sharing Subcommittee. You mentioned that information sharing has a long way to go, and I -- I just wanted to follow up with you on that.

And can you tell me and the committee what needs to be done to make sure you do have the information you need?

GONZALEZ:

Well, sir, the first thing -- and I hope I don't get in any trouble for saying this -- the first thing we need to do, sir, is learn to trust each other.

And there are many times where -- at least that's the impression that a lot of local agencies have that local agencies are looked down at. In other words, you're not state, you're not federal, you're local. The thing to remember, sir, is that we know our areas. We know who we're dealing with in our areas.

It's like the same as having somebody come down TDY for six months or so. They don't know the area. Texas is sending a lot of DPS troopers -- state police troopers to the border area to do enforcement along the border. Many instances -- many times they run into situations where they need some help, and they get on the radio and they can't talk to us, because we don't have any communication with them, one.

In other words, sir, is that they don't know where they're at. So I have to send a deputy sheriff from Zapata 32 miles north and see if he is somewhere along the road going towards Laredo, 28 miles south to see if he's along the road somewhere south of us, or 32 miles east to see if he's somewhere out there. We don't -- he don't know where he's at; we don't know where he's at.

The thing is, information sharing, sir, is very important. We can talk about this all the time, every day. If local agencies are not involved, then it's going to be very hard to have that full cooperation from everybody. We need to work, as Chairman Cuellar, mentioned at the -- during his opening statement here, as a team. And we are part of the team, whether anybody likes it or not, we are part of the team. We're -- we're dealing with our turf. We're dealing with our territory. We're dealing with our counties.

Our counties go to the river bank, and we have to work as a team. If there's not -- if we don't have that team effort, it's not going to work, sir. Information sharing should be done immediately. It's done in Texas. I'm -- I'm proud to say we, you know, we have the Joint Operation Intelligence Centers, six of them in Texas.

Information is shared. Needs to go back out the same way. We're working on it. I think we were successful in Texas. I'd hope that the nation would take this approach with what we're doing in Texas. It's working.

MCCAUL:

I agree with you, and you -- you do need to be a part of the team to be able to do that. You need to talk to each other, and I -- I -- I commend the chairman for his great work. I know we had the hearing in Laredo last year on interoperability at the border, and I think the ability for you to talk to state and federal law enforcement is very important.

CUELLAR:

Thank you, Mr. -- Mr. McCaul.

At this time, I recognize the gentlewoman from California, Ms. Richardson, for five minutes.

RICHARDSON:

Thank you, Mr. Chairman.

I just have two questions. The first one is, currently, it's my understanding there are 12 BEST teams, Border Enforcement Security Teams, eight on the Southwest border, two on the northern border, and two in the seaports.

At the request of the New Mexico's congressional delegation, on March 18th, the president decided to establish two BEST offices in that state. The question is: Should the California delegation be considering the same?

AYALA:

Ma'am, eight of the -- we have two of the eight Southwest border BEST located in California, one in San Diego and one in the Imperial Valley. And one of the maritime BESTs is in Long Beach.

One of the ways that you can do -- or anyone can request to have a BEST in their area -- is to speak to a DHS entity in the field or at headquarters, and then what we do is we do a local threat assessment, and that is then reviewed at the headquarters level by ICE and CBP so that we can then prioritize where BEST should be or in what order we're going to deploy them.

So that doesn't preclude any other citizen or someone in the government or congressional member for requesting that we send over BEST in their area.

RICHARDSON:

So you said San Diego, Long Beach, and what was the second one?

AYALA:

Imperial Valley.

RICHARDSON:

OK. Is it determined that the one in San Diego is sufficient in your opinion?

AYALA:

Well based on the assessment by the SAC (ph) office there in CBP, right now, those are sufficient because of distances between them, because the coverage that we have in the border -- the neighboring state of Arizona. So for right now, based on the assessments, San Diego, Imperial Valley, and Los Angeles or Long Beach are covering that area now.

RICHARDSON:

Thank you. My last question, we've heard numbers such as only one in every four guns that's confiscated by Mexican authorities is actually provided to the AFT for tracing of its origin.

I realize that AFT is not on the panel today; however, I'd like to know if this is a symptomatic problem that we feel we need better coordination, which has been talked about today, or if, in fact, this is just individual law enforcement agencies who are refusing to give up control over their investigations.

AYALA:

I'm not sure of the figures on that. I do know that we work very closely with the Mexican government and ATF through their Project Gunrunner and our Project Amas Cruzada to coordinate information and seizures of guns. So I can't speak to the number that ATF is actually receiving from the Mexican -- Mexican government to trace.

But we are working very closely with them on that particular program.

RICHARDSON:

The key though would be, numbers aside, would you agree that there's a turf battle going on in terms of agencies withholding or keeping information?

AYALA:

No, ma'am. We -- the field agents work everyday collaborating whether it be on individual cases or operations or an ad hoc task forces or informal task forces. That's why when we created the task force, Border Enforcement Security Task Force, we made sure that anybody that came to the table had an equal say in the targets that we were going to identify and go after.

And that if they brought a case to the table that they would lead it. That way they are equally invested and all of their equities are protected.

RICHARDSON:

Would you followup with the AFT to verify if, in fact, they are only receiving 25 percent and report back to this committee?

AYALA:

Yes, ma'am.

RICHARDSON:

Thank you.

Thank you, Mr. Chairman.

CUELLAR:

Thank you, Ms. Richardson. Before I move on to Ms. Titus, let me just ask a couple questions.

I guess this would be more for ICE, Ms. Ayala. Is it -- can you all have -- do you all have the authority to when a foreign national is deported from the United States to give a state that information so they can then turn around and have their license -- driver license deported -- these are the questions -- a couple questions that Governor Perry sent to -- sent in a letter to -- the Secretary Napolitano yesterday.

First question he is requesting when a foreign national with a Texas driver license has been deported from the U.S., can the state of Texas be notified so then it can revoke his or her Texas driver license? Because apparently, according to this information, they -- they get deported, then they'll come back and they'll use their driver license again.

And, I guess, that would apply also to Arizona and any of the other states also. Do you have the authority to do that right now?

AYALA:

I'm not sure of that. That's not my particular area. That's the -- belongs to another division. So I will get back to you on that...

CUELLAR:

Would you get back to the committee on that question? The second question, and I guess to Dr. Barth or Ms. Ayala on this. The secured communities will use that electronic fingerprint booking. I think, for example, in the state of Texas, there's 19 state agencies that are currently participating, but they're requesting to use those at the -- I mean at the state prisons in Texas.

Again this thing, it can apply to Arizona and New Mexico, you know, the other states -- but have the other 233 agencies in Texas that maintain jails also use -- be part of this electronic fingerprinting. Because according to the information that we have to date, 37,733 individuals have been checked through this system at those -- just those 19 locations are participating.

Out of that, 8,844 or 23 percent have fingerprints on file with -- with ICE. So if we're getting such high numbers, it'll only make sense that we spread that out to -- not only to the other agencies in Texas or to Arizona and New Mexico, California. You know, I think you would get a lot of hits there to -- to identify people that have those criminal records.

So I guess my question, Dr. Barth or Ms. Ayala, do you all have the resources to extend that, and -- and why has not been done earlier?

BARTH:

Yes, sir. The Secure Communities Program is relatively new and is expanding as we speak. I'm not sure what the president's budget will have for 2010 to continue that expansion, but it's been the Department of Homeland Security's view that, for some years, the fingerprint biometric database expansion is an extremely useful tool for identifying criminals early and dealing with them effectively.

The U.S. Visit Program is the repository of the fingerprints collection, if you will, of DHS, and the administration's very close to being able to collaboratively share fingerprints across other agencies that also have fingerprint databases to improve the effectiveness of that program.

CUELLAR:

Yes, and -- and we have -- we -- in other words, we have a databases out there. And we have state, local officials that would like to get that information, and I would like for you

to get back to me and see what we can do to expand that, because if it's something that's working or even on the revoking of the licenses, if you could let the states know.

And it all goes back to, I think, what Sheriff Gonzalez and Dever -- Sheriff Dever were talking about, it's sharing the information, and this is one -- another example that, I think, you know, we can do a better job at sharing that information with our local folks on -- on that.

BARTH:

Yes, we will get back to you, sir.

CUELLAR:

OK. At this time, I'll ask the subcommittee's unanimous consent to insert Governor Perry's letter into the record. And there's another question that he asked, but we'll go ahead and submit it into the record also.

All right, at this time, I'll recognize the gentlewoman from the state of Nevada, Ms. Titus, for five minutes of questioning.

TITUS:

Thank you very much, Mr. Chairman.

My district in southern Nevada's not directly on the border, but I imagine that Las Vegas is a key stop along the supply line of anything moving both north and south. And I -- I think it's very important that we address those supply lines that we now learn are miles away from the border.

So what you're doing on the border is very important, but I would ask you, what are you doing to work perhaps with state and local officials further up that line to try to break the line and in that way have some impact on the things that are happening right on the border?

Maybe Dr. Barth or Ms. Ayala?

AYALA:

We have 26 SAC (ph) offices throughout the nation that are investigating crimes related to human smuggling, human trafficking, drug smuggling, narcotics smuggling and other cyber crimes, child pornography and money laundering crimes, and they have offices that are located -- sub offices throughout the nation.

And everyday, they work with state and locals just on those specific issues including Las Vegas and other areas to make the connection between the border and the supply lines and the destination cities.

TITUS:

Is one of those 26 located in Las Vegas?

AYALA:

We do have an office in Nevada. Yes, ma'am.

TITUS:

OK. Well maybe I can get some more information about what they're doing in that office?

AYALA:

Yes.

TITUS:

Thank you.

Thank you, Mr. Chairman.

CUELLAR:

Thank you, Ms. Titus.

Let me -- as we get ready to close up our -- I certainly appreciate your testimony and your answers to the questions, and I know our ranking member, Mr. Rogers, had some questions so if there's any other questions that are submitted in writing, I would ask you to submit the answers to us as soon as possible.

But one of the things that I would ask, and I've done this, I guess, for the last panels and I'm going to followup on what Mr. Rogers, Mr. Thompson -- Chairman Thompson mentioned, and something that we've been doing for -- with other panels, is that I would ask you all to -- within 30 days -- to submit some specific recommendations -- working together, working through your appropriate command centers -- but I would ask you, Dr. Barth, if you could include somebody from city police association for some input here since we have a sheriff's association.

But what I would ask is first, you know, the sheriffs, you know, if you can provide a -- specific recommendations that would assist you on your day-to-day to activities to provide security in your respective border communities. And all of you all together, I would ask you to come up with some specific recommendations as to how we can have some sort of coordination between the state, federal, local officials.

Because one of the things that we're seeing is that, there are instances in time that an individual will go out there and do the efforts. For example, you all sent out -- and I appreciate Secretary Napolitano sending Mr. Sexton out there to specific times. Well, you know, that's a specific time, what's the follow up?

I mean, is there a -- some sort of communication protocol or process that we can continue this communicating with the local folks. So what I would ask all of you all is to get together by phone, by person, work through your appropriate command structure and provide a report to the committee in 30 days, and I mean 30 days from today, and tell us how we can go ahead -- and include the tribal community also in your recommendations also -- to give us some very specific recommendations as to how we can coordinate and work together on a day-to-day basis where we can have a structure that works instead of saying well here's a new administration and they're doing an effort and then another administration comes in and then, you know, Dr. Barth, you're gone and, Ms. Ayala, you're gone, or -- or any of you all are gone -- some new people come in -- I'm gone -- other people are gone.

So we need to have some sort of structure on how we can coordinate on that and cover all the aspects of it. If there is specific needs that you all need for (inaudible) sheriffs, you know, tell us exactly what specific needs that you have. I would ask you just temper the request. No -- you know, no huge wish lists but just, you know, very specific things that -- that you all need.

And then, of course, on the federal level, I'll ask you to do the same thing and reach out to our states also -- the four states that we have. But I would ask you to do that. I will ask our committee to monitor this on a week-to-week basis, we'd like to have a report, because I don't want to come back in 30 days and say, you know, we need additional time.

So my -- our committee will be working with both our counterpart, Mr. Rogers, committee members also to -- to make sure that you all come up with very specific requests. And following on what Mr. Rogers -- the inventory -- what we need, basically, that type of concept on that.

Do you all have any questions as to what we're requesting of?

OK. Thirty days from today, without exception, I would ask you to please provide that information.

Again, to all the members, I want to thank you for being here.

To the witnesses, thank you for your valuable testimony. We appreciate it. The members of the subcommittee, as I mentioned, might have an additional questions. Please provide that to us as soon as possible.

Having no further business, the hearing is adjourned. Thank you very much and good day.

CQ Transcriptions, March 31, 2009

List of Panel Members and Witnesses

PANEL MEMBERS:

REP. HENRY CUELLAR, D-TEXAS CHAIRMAN

DEL. ELEANOR HOLMES NORTON, D-D.C.

REP. LAURA RICHARDSON, D-CALIF.

REP. BILL PASCRELL JR., D-N.J.

REP. EMANUEL CLEAVER II, D-MO.

REP. DINA TITUS, D-NEV.

REP. BENNIE THOMPSON, D-MISS. EX OFFICIO

REP. MIKE D. ROGERS, R-ALA. RANKING MEMBER

REP. PETE OLSON, R-TEXAS

REP. ANH "JOSEPH" CAO, R-LA.

REP. MICHAEL MCCAUL, R-TEXAS

REP. PETER T. KING, R-N.Y. EX OFFICIO

WITNESSES:

RICHARD BARTH, ACTING ASSISTANT SECRETARY, OFFICE OF POLICY,
HOMELAND SECURITY DEPARTMENT

JANICE AYALA, DEPUTY ASSISTANT DIRECTOR, OFFICE OF
INVESTIGATIONS, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

MAJ. GEN. PETER AYLWARD, DIRECTOR, JOINT STAFF, NATIONAL GUARD
BUREAU

SIGIFREDO GONZALEZ JR., SHERIFF, ZAPATA COUNTY, TEXAS

LARRY DEVER, SHERIFF, COCHISE COUNTY, ARIZ.